

## ***REMARKS CONCERNING THE AMENDMENTS***

The above amendments have been made in an effort to more clearly define the present invention and to clarify existing language in the claims as filed. Antecedent basis for the amendments may be found generally in the specification and, for example, as follows:

1) A single delivery tray in the apparatus finds antecedent basis generally in the specification and, for example, in Figure 3; Page 19, lines 17-23 (“a second card receiver 36”); page 20, lines 1-3 (“a deck, card or hand receiving platform 36”); page 35, lines 11-12 (“the card receiving platform”); and page 37, lines 12-26 (describing pushing single hands onto the tray and removing each hand). This identifies the antecedent basis for the amendment to claim 20.

2) The amendment to claim 1 (and the amendment to claim 3 to be consistent with the change in claim 1) also finds antecedent basis generally in the specification and, for example, on page 37, lines 12-26.

3) NEW claims 56-60 find antecedent basis from claims 51-55 and generally in the specification.

### **SUMMARY OF THE OFFICE ACTION**

Claims 36-55 have been rejected under 35 USC 102(b) as anticipated by Kelley (US Patent No. 5,431,399). It is asserted that each and every limitation of the claims is anticipated by Kelley.

### **ARGUMENTS AGAINST THE REJECTION**

Claims 36-55 have been rejected under 35 USC 102(b) as anticipated by Kelley (US Patent No. 5,431,399). It is asserted that each and every limitation of the claims is anticipated by Kelley.

The exact limitations in the claims that are not shown by Kelley will be specifically highlighted below, but a brief technical distinction between the two systems will be helpful in preparing for an appreciation of those arguments.

Kelley teaches a dealing module in which cards are provided in a first card receiver and then cards are individually directed along a moveable chute to a multiplicity of card delivery trays. The system of Kelley cannot function without the multiplicity of card delivery trays, and direct transporting of cards from the card receiver to the multiplicity of delivery trays is the only hand forming mechanism shown.

The system of the presently claimed technology teaches a dealing module in which cards are first provided in a first card receiver, then cards are moved to form sets of randomized cards in multiple trays within the module, and then sets of cards are unloaded into a single delivery tray to form a hand that is then removed. Hands are removed one-at-a-time from the one and only delivery tray. Additional single hands are then formed in the same delivery tray after a previous hand was removed. As can be seen, the two mechanisms are substantively and functionally different.

#### **Comparison of Kelley and Claims in This Application**

<b>CLAIM 36</b>	<b>KELLEY</b>	<b>COMMENTS</b>
An apparatus for handling cards comprising: a card loading area for receiving a group of cards to be arranged within the apparatus into a plurality of randomized sets of cards	A playing card distribution device with microprocessor and scanning circuits. The device has an enclosure for holding a deck of cards, a displacement means powered by a motor with one or more friction attachments that come into contact with the bottom card and cause it to be displaced, a set of photocells to sample the	

	card indicia, a processor to use the sampled card indicia to determine in which direction (or to which holding receptacle) the card is to be displaced.	
and each randomized set of cards is delivered to a same single tray to form sets of cards to be given as a set to a player or dealer;	“Underneath this compartment are five holding receptacles with notched base 13 and end 12 to hold the cards after they pass through the device.”	Multiple trays for removal of cards are required in all variations of Kelley.
a shuffling chamber having a plurality of card-receiving compartments, wherein each compartment is able to receive more than one card within an opening of the card-receiving compartment	“Underneath this compartment are five holding receptacles with notched base 13 and end 12 to hold the cards after they pass through the device.”	The hand forming compartments of Kelley can be argued to be a plurality of card-receiving compartments.
a card moving system comprising two sequential single card moving components	The drive (18) and pinch rollers (19) are two card moving components, but this does not include slide/cam (22) in Kelley as a card moving component. <b>But the cam is not a card moving system, except to the degree that it is part of the drive. It does not itself move cards, but merely points them in a selected direction.</b>	<b>The use of a slide is not equivalent to a card moving component, meaning a component that moves the card. The slide (cam) merely directs the movement of the card based on momentum and force provided by another driving element.</b>
positioned for moving at least one card at a time from the card loading area into a card-receiving compartment,	Cards move one at a time in Kelley	
the two sequential card single card moving components comprising a first single card moving component that moves at least a single card from the card loading area towards a second card moving component and the second	The drive (18) and pinch rollers (19) are two card moving components, but this does not include slide/cam (22) in Kelley as a card moving component.	

card moving component receiving the individual card from the first card moving component		
a microprocessor for controlling card movement;	Kelley has a processor.	
wherein the first single card moving component reduces moving forces against the single card when the second card moving component applies moving forces against the single card.	<b>There is absolutely no equivalent element or function in Kelley. There can be no anticipation.</b>	<b>There is nothing equivalent to this limitation in the disclosure of Kelley. Neither the pinch rollers (19) nor the cam (slide 22) of Kelley is a card moving component that exercises a defined influence over the forces provided by the first card moving component. This limitation is also completely absent from Kelley.</b>

As can be seen, Kelley operates in a fundamentally different manner and does not disclose numerous elements of the claimed subject matter of claim 36.

#### Independent Patentability of Claim 38

38. (CURRENTLY AMENDED) The apparatus of claim 36 wherein the each **individual randomized set of cards is delivered to the tray, as a single delivery step, as a group of cards.**

The **highlighted** text is completely absent from Kelley. Kelley delivers cards one at a time to multiple compartments, forming multiple hands at the same time. Each hand is then individually removed from distinct compartments. The hands are never delivered as a set to a single delivery tray after they are formed.

#### Independent Patentability of Claim 40

40. (PREVIOUSLY PRESENTED) The apparatus of claim 36 wherein a separator is located between each adjacent card-receiving compartment, and **there is an edge of the separator that a card moved into card-receiving compartments contacts before that card is fully inserted into a card-receiving compartment.**

The **highlighted** text is completely missing from Kelley.

Independent Patentability of Claim 43

43. (PREVIOUSLY PRESENTED) The apparatus of claim 36, wherein **not all of the card-receiving compartments are of the same size.**

The **highlighted** text is completely missing from Kelley.

Independent Patentability of Claim 44

44. (PREVIOUSLY PRESENTED) A method for delivering hands of randomly mixed cards from an apparatus comprising:

providing at least one deck of playing cards;

forming at least one set of cards within the apparatus from the at least one deck of playing cards;

**delivering to a single delivery tray from the at least one set of cards within the apparatus a first individual set of randomly mixed playing cards for use in a game;**

**delivering to a player or dealer the first individual set of randomly mixed playing cards from the single delivery tray of the apparatus, with all cards in the first individual set delivered at the same time, and then providing a second individual set of randomly mixed playing cards into the single delivery tray.**

As described above, the **highlighted** text is completely missing from Kelley. Kelley does not form sets within the device, then move sets to form hands in a **single delivery tray**, and then add a new hand to the single delivery tray when a first hand has been removed. There is absolutely no basis for asserting anticipation of this claim.

Independent Patentability of Claim 45

45. (CURRENTLY AMENDED) The method of claim 39 wherein **individual sets of randomly mixed playing cards are delivered to the single delivery tray and the**

single delivery tray in the apparatus can be accessed so that two edges of cards in the delivery tray can be contacted by a hand of a dealer.

The highlighted text is completely missing from Kelley.

Independent Patentability of Claim 49

49. (CURRENTLY AMENDED) The method of claim 38 wherein each set of randomly mixed playing cards delivered from the apparatus to the tray is then delivered to a position on a gaming table that is distinct from a position where another set of randomly mixed playing cards is delivered from that same tray in a single card game.

The highlighted text is completely missing from Kelley.

Independent Patentability of Claim 51

51. (PREVIOUSLY PRESENTED) A method in an apparatus for delivering hands of randomly mixed cards comprising:

providing at least one deck of playing cards in the apparatus;

forming a first group of randomly mixed playing cards in a single delivery tray, with all cards in the group present in the single delivery tray at the same time;

removing the group of randomized cards from the single delivery tray;

forming a second individual group of randomly mixed playing cards within the same single delivery tray after the first group of randomized cards are removed in the play of a single round of cards.

The highlighted text is completely missing from Kelley.

Independent Patentability of Claim 53

53. (PREVIOUSLY PRESENTED) The method of claim 51 wherein after at least one individual hand is manually removed from the delivery tray, another individual hand is automatically delivered from the apparatus to the delivery tray.

The highlighted text is completely missing from Kelley.

As can be readily seen by the detailed literal comparison, every single independent claim contains substantive limitations that are not disclosed by Kelley. Numerous other dependent claims, even if dependent from claims that were anticipated by Kelley (which they are not), would not be anticipated because of their additional limitations.

The limitations in new claims 56-60 are also absent from the teachings of Kelley. Many of the limitations in claims 51-55 that were indicated as absent from Kelley are absent from claims 56-60, and additional limitations were added that are missing from Kelley.

These claims are not anticipated by Kelley.





### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance. The Examiner is invited to telephone Applicant's attorney (953)832.9090 to facilitate prosecution of this application.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted by first class mail and deposited with the US Postal Service with first class postage prepaid and addressed to MAIL STOP: AMENDMENT, PO BOX 1450, Commissioner for Patents; Alexandria, VA 22313-1450 on 1 September 2005.

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